

Panaji, 5th November, 2009 (Kartika 14, 1931)

SERIES I No. 32

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

NOTE

There are two Extraordinary issues to the Official Gazette, Series I No. 31 dated 29-10-2009 as follows:—

- (1) Extraordinary dated 29-10-2009 from pages 2273 to 2274 regarding Notification from Department of Finance (Revenue & Control Division).— Amendment to the principal Notification in Part D.
- (2) Extraordinary (No. 2) dated 30-10-2009 from pages 2275 to 2278 regarding Notification from Department of Public Works (Office of the Principal Chief Engineer).— Revision of Water Tariff.

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GOVERNMENT OF GOA

Department of Co-operation

Office of the Registrar of Co-operative Societies

Notification

42/2/2001/TS/RCS/2079

The following rules which are proposed to be made so as to amend the Goa Co-operative Societies Rules, 2003 are hereby pre-published as required by sub-section (3) of section 127

of the Goa Co-operative Societies Act, 2001 (Act 36 of 2001), for information of the persons likely to be affected thereby and notice is hereby given that the said rules will be taken into consideration by the Government on the expiry of 30 days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the said rules may be forwarded to the Registrar of Co-operative Societies and ex officio Joint Secretary to the Government of Goa, Co-operation Department, 4th & 5th Floor, 'Sahakar Sankul' Patto, Panaji-Goa, before the

expiry of the said period of 30 days so that they may be taken into consideration at the time of finalization of the proposed rules.

In exercise of the powers conferred by sub-section (1) of section 127 of the Goa Co-operative Societies Act, 2001 (Act 36 of 2001) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to amend the Goa Co-operative Societies Rules, 2003, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Co-operative Societies (1st Amendment) Rules, 2009.

(2) They shall come into force at once.

2. *Amendment to Rule 10.*— In Rule 10 of the Goa Co-operative Societies Rules, 2003 (hereinafter referred to as the “Principal Rules”), in sub-rule (4), after clause (c), the following clause shall be inserted, namely:—

“(d) a copy of the challan/receipt of an amount of Rs. 200/- (Rupees Two hundred only) paid towards processing fees.”.

3. *Insertion of new rule 14A.*— After rule 14 of the Principal Rules, the following rule shall be inserted, namely:—

“14A. *Direction by Registrar for amalgamation, transfer, division or conversion of society.*— (1) Before issuing any directions under sub-section 4(A) of section 15 of the Act, the Registrar shall prepare a draft scheme in respect of such amalgamation, transfer, division or conversion stating in particular the manner in which the new Board of Directors of the society or societies resulting from such amalgamation, transfer, division or conversion shall be constituted and the bye-laws which such society or societies shall follow. The Registrar shall then consult such federal society as may be notified by the Government in Official Gazette and after considering the suggestions, if any, that may be made by such federal society, shall send a copy of the

directions proposed to be issued by him under sub-section 4(A) of section 15 of the Act, to the society or each of the societies, as the case may be, calling upon it or them to invite objections or suggestions from any member or class of members thereof or from any creditors or class of creditors and to submit such objections and suggestions together with its own or their own suggestions and objections within a period of not less than two months from the date on which the copy of the aforesaid directions was received by it or them.

(2) The Registrar shall consider all such suggestions and objections and make such modifications in the directions as deemed fit by him and thereafter issue the same.

(3) Any member or creditor of the society who has objected to the scheme of amalgamation, transfer, division or conversion within the period specified in sub-rule (1), may apply to the Registrar for payment of his share or interest, if he is a member, or the amount in satisfaction of his dues, if he is a creditor. The Registrar may nominate an officer not below the rank of a Deputy Registrar to investigate and determine the payments required to be made to the member or creditor, as the case may be.

(4) Subject to the provisions of the Act, the rules and the bye-laws, the Registrar may by order, require the society concerned to meet in full or satisfy otherwise all dues of the members and creditors and thereupon the society shall be bound to meet in full or satisfy otherwise all dues of the members and creditors within such time as may be specified by the Registrar in the order.

4. *Insertion of new rule 51A.*— After rule 51 of the Principal Rules, the following rule shall be inserted, namely:—

“51A.— *Procedure for appointment and removal of Directors, Members of the Committee etc.*— (1) Notwithstanding

anything contained in the bye-laws of a society but subject to the provisions of section 71 of the Act, the Registrar may for reasons to be recorded by an order published in the Official Gazette,—

(a) remove the Committee of management or Board of Directors of a society and appoint a new committee of management or Board of Directors in its place consisting of three or more members of the society, to manage the affairs of the society; or

(b) remove the committee of management or Board of Directors of a society and appoint one or more administrators, who need not be members of the society, to manage the affairs of the society; or

(c) remove any member of the committee of management or director on the Board of Directors of a society and appoint in his place such other member or director as he deems fit.

(2) Before making any order under sub-rule (1), the Registrar shall consult the federal society to which the society is affiliated and give an opportunity to the committee or the Board of Directors or the member or director concerned, to show cause within fifteen days from the date of issue of notice, why such an order should not be made.

(3) The member or director appointed under clause (c) of sub-rule (1) shall hold office so long as the member or director in whose place he is appointed would have held office, if the vacancy had not occurred.

(4) Notwithstanding anything contained in the bye-laws regarding holding of any meeting of the society, the Registrar may, by special or general order specify the procedure for holding meetings of the Committee or Board of Directors appointed by him under clause (a) of sub-rule (1).

(5) Immediately after the appointment of a new committee or Board of Directors, an administrator or administrators appointed

under sub-rule (1), shall give the new committee or Board of Directors, the charge of the property, documents and accounts of the society.

4. *Amendment of title of CHAPTER VIII.*— In CHAPTER VIII of the Principal Rules, all the existing title, the following title shall be inserted, namely:—

“Accounts, Audit, Inquiry and Inspection.”.

5. *Insertion of new rule 114A.*— After rule 114 of the Principal Rule, the following rule shall be inserted, namely:—

“114A. *Procedure for the conduct of inquiry and inspection.*— (1) An order authorizing inquiry or inspection under section 76A or section 77 of the Act shall, among other things, contain the following:—

(a) the name of the person authorised to conduct the inquiry or inspection;

(b) the name of the society whose affairs are to be inquired into or whose books are to be inspected;

(c) the specific point or points on which the inquiry or inspection is to be made, the period within which the inquiry or inspection is to be completed and report submitted to the Registrar;

(d) any other matter relating to the inquiry or inspection.

(2) A copy of every order authorizing inquiry or inspection under section 76A or section 77 of the Act shall be supplied to the federal society or societies to which the society in respect of which the order is issued, is affiliated.

(3) If the inquiry or inspection cannot be completed within the time specified in the order referred to in sub-rule (1) the person conducting the inquiry or inspection shall submit a report stating the reasons for the

failure to complete the inquiry or inspection within the time specified in the order and the Registrar shall hold the inquiry or inspection himself or entrust it to some other person as he deems fit, so however that the inquiry shall be completed within a period of four months from the date of ordering the inquiry as specified in sub-section (4) of Section 77 of the Act.

(4) On receipt of the order referred to in sub-rule (1), the person authorised to conduct the inquiry or inspection shall proceed to examine the relevant books of accounts and other documents in possession of the society or any of its officers, agents or servants and obtain such information or explanation from any such officers, directors, agents or servants of the society in regard to the transaction and working of the society as he deems necessary for the conduct of such inquiry or inspection.

(5) The person authorised to conduct the inquiry or inspection shall submit his report to the Registrar, on all the points mentioned in the order referred to in sub-rule (1). The report shall contain his findings and the reasons therefor supported by such documentary or other evidence as recorded by him during the course of his inquiry or inspection. He shall also specify in his report the costs of the inquiry or inspection together with reasons and recommend to the Registrar the manner in which the entire costs or a part thereof may be apportioned amongst the parties specified in sub-section (1) of section 77 of the Act. The Registrar shall pass such order thereon as may be considered just after giving a reasonable opportunity of being heard to the person or persons concerned.

(6) The cost of the inquiry or inspection apportioned by the Registrar under sub-rule (5) shall be recovered as provided in sub-rule (4) of rule 114. The Registrar may direct that such costs or any part thereof shall be paid from the funds of the society.

6. *Substitution of CHAPTER IX.*— For CHAPTER IX of the Principal Rules, the following Chapter shall be substituted, namely:—

“CHAPTER IX

Disputes and Arbitration

115. *Reference of dispute.*— A reference of a dispute under section 83 shall be made in writing to the Registrar in Form “N” hereto wherever necessary, the Registrar may require the party referring the dispute to him to produce a certified copy of the relevant records on which the dispute is based and such other statements or records, as may be required by him, before proceeding with the consideration of such reference.

116. *Appointment of Registrar’s nominee or Board of Nominees.*— (1) The Registrar may, by general or special order notified in the Official Gazette, appoint any person to be his nominee for deciding disputes arising in anyone or more societies situated in such area and for such period as may be specified in the order.

(2) The Registrar may, by order in the Official Gazette, appoint a Board of Nominees consisting of two or more nominees appointed under sub-rule (1), for deciding disputes arising in anyone or more societies within such area and for such period as may be specified in the order.

(3) Where a Board of Nominees is appointed under sub-rule (2), one of the nominees on the board shall be appointed by the Registrar to be the Chairman of the Board, who shall fix the date, time and place of hearing disputes referred to the Board and carry out the necessary correspondence in connection with the disposal of such disputes.

117. *Procedure for hearing and decision of disputes.*— (1) When any dispute is referred to the Registrar’s nominee or to a Board of Nominees for decision and is not decided by him or it within two months or such further period as the Registrar may allow, the Registrar may withdraw the dispute from the nominee or, as the case may be, the Board of Nominees and decide the dispute himself or refer it again to another nominee or a Board of Nominees for decision.

(2) The Registrar or his nominee or the Board of Nominees shall record in English or in Marathi or in Konkani or in Hindi the evidence of the parties to the dispute and witnesses who attend, and upon the evidence so recorded, and upon consideration of any documentary evidence produced by either party, a decision in writing shall be given. Such decision shall be pronounced either at once or on some future date of which due notice shall be given to the parties.

(3) Where any party duly summoned to attend the proceeding fails to appear, the dispute may be decided *ex parte*.

(4) In deciding the dispute, where there is no unanimous decision, the opinion of the majority of the Board of Nominees shall prevail. Where the opinion of the nominees on the Board is equally divided, the opinion of the Chairman of the Board shall prevail.

(5) Any award made, decision given or order passed by the Registrar's nominee or Board of Nominees or a person authorised under section 76A, shall be sent by him or by the Chairman of the Board with all the papers and proceedings of the dispute to the Registrar within 15 days from the date on which it is made, given or passed.

118. *Summonses, notices and fixing of dates, place, etc. in connection with the disputes.*—

(1) The Registrar, his nominee, or the Chairman of the Board of Nominees may issue summonses or notices at least fifteen days before the date fixed for hearing of the dispute requiring,—

(i) the attendance of the parties to the dispute and of witnesses, if any; and

(ii) the production of all books and documents relating to the matter in dispute.

(2) Summonses or notices issued by the Registrar or his nominee or the Chairman of the Board of Nominees may be served through any employee of the Co-operation Department or of Federal Society or through the Chairman

or Secretary of the society or by registered post with acknowledgement due. Every person or society to whom summonses or notices are sent for service shall be bound to serve them within a reasonable time.

(3) The officer serving summons or notice shall, in all cases in which summons or notice has been served, endorse or annexe or cause to be endorsed on or annexed to, the original summons or notice, a return stating the time when, and the manner in which, the summons or, as the case may be, notice was served and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons or the notice.

(4) The officer issuing the summons or notice may examine the serving officer on oath or cause him to be so examined by officer through whom it is served and may make such further inquiry in the matter as he thinks fit and shall either declare that the summons or, as the case may be, notice has been duly served or order it to be served in such manner as he thinks fit.

(5) The mode of serving summonses and notices as laid down in sub-rules (1) to (4) shall *mutatis mutandis* apply to the service of summonses or notices,—

(i) issued by the Registrar or the person authorised by him, when acting under section 76A or 77,

(ii) issued by an auditor, when acting under section 74, or

(iii) issued by a liquidator, when acting under section 95.

119. *Investigation of claims and objections against any attachment.*— Where any claim or objection has been preferred against the attachment of any property under section 88 on the ground that such property is not liable to such attachment, the Registrar, his nominee or Board of Nominees shall investigate into claim or objection and dispose it of on merits:

Provided that, no such investigation shall be made when the Registrar or his nominee or Board of Nominees considers that the claim or objection is frivolous.

120. *Procedure for the custody of property attached under section 88.*— (1) Where the property to be attached is movable property, other than agricultural produce, in the possession of the debtor, the attachment shall be made by actual seizure and the attaching officer shall keep the property in his own custody or in the custody of one of his subordinates, or of a Receiver, if one is appointed under sub-rule (2) and shall be responsible for the due custody thereof:

Provided that, when the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once.

(2) Where it appears to the officer ordering conditional attachment under section 88 to be just and convenient, he may appoint a Receiver for the custody of the movable property attached under that section and his duties and liabilities shall be identical with those of a Receiver appointed under Order XL in the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) or any other law for the time being in force.

(3)(a) Where the property to be attached is immovable, the attachment shall be made by an order prohibiting the debtor from transferring or charging the property in any way and promising all persons from taking any benefit from such transfer or charge.

(b) The order shall be proclaimed at some place on or adjacent to such property by beat of drum or other customary mode, and a copy of the order shall be fixed on a conspicuous place in the village and where the property is land paying revenue to the Government, also in the offices of any Revenue Officer, Sub-Registrar and Village Panchayat within whose jurisdiction the property is situated.

121. *Procedure for attachment and sale of property for realization of any security given by person in course of execution proceedings.*— The procedure laid down in rules 120 and 123 shall *mutatis mutandis* apply for attachment and sale of property for the realization of any security given by a person in the course of execution proceedings.

122. *Issue of proclamation prohibiting private transfers of property.*— The Registrar or liquidator when acting under clause (a) of section 91 shall, at the time of signing a certificate affecting any property, issue a proclamation in Form “O” and in the case of immovable property shall also forward a copy of the proclamation to any Revenue Officer, Sub-Registrar and Village Panchayat within whose jurisdiction the property is situated, who shall cause an entry about such certificate to be made in the Record of Rights.

123. *Procedure for execution of orders and awards.*— (1) Every order or award passed by the Registrar, or the person authorised by him or his nominee or Board of Nominees under sections 88 or 89 shall be forwarded by the Registrar to the society or to the party concerned with instructions that the society or, as the case may be, the party concerned should initiate execution proceedings forthwith according to the provisions of section 91.

(2) If the amount due under the award is not forthwith recovered, or the order there under is not carried out, it shall be forwarded to the Registrar with an application for execution alongwith all information required by the Registrar, for the issue of certificate under section 91. The applicant shall state whether he desires to execute the award by a Civil Court or through the appropriate authority as provided under section 91 or through the Registrar as provided under section 91D.

(3) On receipt of such application for execution, the Registrar shall forward the same to the proper authority for execution alongwith a certificate issued by him under

section 91 and a proclamation issued under rule 122 in the manner specified therein.

(4) Every order passed in appeal under section 90 shall also be executed in the manner laid down in sub-rule (2) and (3).

124. *Execution of Decrees.*— (1) Any society or creditor holding a decree (hereinafter referred to as the “applicant”) requiring the provisions of section 91D to be applied, shall apply to the Registrar, or an Officer mentioned in said section 91D within whose jurisdiction the debtor resides or the property of the debtor is situated for the said purpose.

(2) Every such application shall be made in the form specified by the Registrar and shall be signed by the applicant and shall be accompanied by deposit, if required, at such scales as may be specified by a general or special order by the Registrar. When an application is submitted on behalf of a society, a copy of the resolution of the Board of Directors of the society authorizing the applicant to sign the application shall also accompany the application. The applicant may indicate whether he wishes to proceed against the immovable property mortgaged to the applicant or other immovable property or to secure the attachment of movable property.

(3) On receipt of such application, or when the Registrar is proceeding under rule 125, the correctness and genuineness of the particulars set forth in the application shall be verified with the records, if any, in the office of the Registrar and prepare a demand notice in writing in duplicate in the form specified by the Registrar, setting forth the name of the defaulter and the amount due and forward it to the Sale Officer, appointed by the Registrar, by general or special order, to attach and sell the property of defaulters or to execute any decree by attachment and sale of property.

(4) Unless the applicant has expressed a desire that proceedings should be taken in a particular order as laid down in sub-rule (2), execution shall ordinarily be taken in the following manner, namely:—

(i) movable property of the defaulter shall be first proceeded against, but this shall not preclude the immovable property being proceeded against simultaneously in case of necessity;

(ii) if there is no movable property, or if the sale proceeds of the movable property, or properties attached and sold are insufficient to meet in full the demand of the applicant, the immovable property mortgaged to the applicant, or other immovable property belonging to the defaulter may be proceeded against.

(5) In the seizure and sale of movable property, the following rules shall be observed:—

(a) The Sale Officer shall, after giving previous notice to the applicant, proceed to the village or place where the defaulter resides or the property to be distrained is situated and serve a demand notice upon the defaulter if he is present. If the amount due together with the expenses be not at once paid, the Sale Officer shall make the distress and shall immediately deliver to the defaulter a list or inventory of the property distrained and an intimation of place, day and hour at which the distrained property will be brought to sale if the amount due are not previously discharged. If the defaulter is absent, the Sale Officer shall serve the demand notice on some adult male member of his family, or on his authorised agent, or when such service cannot be effected, shall affix a copy of the demand notice on some conspicuous part of his residence. He shall then proceed to make the distress and shall affix the list of the property attached on the usual place of residence of the defaulter endorsing thereon the place where the property may be lodged or kept and an intimation of the place, day and hour of sale.

(b) After a distress is made, the Sale Officer may arrange for the custody of the property attached with the applicant or otherwise. If the Sale Officer requires the

applicant to undertake the custody of the property, he shall be bound to do so and any loss incurred owing to his negligence shall be made good by the applicant. If the attached property is live-stock, the applicant shall be responsible for providing the necessary food therefor. The Sale Officer may, at the instance of the defaulter or of any person claiming an interest in such property, leave it in the village or place where it was attached, in charge of such defaulter or such person, if he enters into a bond in the form specified by the Registrar with one or more sufficient sureties for the production of the property as and when called for.

(c) The distress shall be made after sunrise and before sunset and not at any other time.

(d) The distress levied shall not be excessive, that is to say, the property distrained shall as nearly as possible be proportionate to the sum due by the defaulter together with interest and all expenses incidental to the distraint, detention and sale.

(e) If the crops or ungathered products of the land belonging to a defaulter are attached, the Sale Officer may cause them to be sold when fit for reaping or gathering, or at his option may cause them to be reaped or gathered in due season and stored in proper place until sold. In the latter case, the expenses of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of it's being sold.

(f) The Sale Officer shall not work the bullocks or cattle, or make use of the goods or effects distrained, and he shall provide the necessary food for the cattle or live-stock. The expenses incurred by the Sale Officer for providing necessary food for the cattle or live-stock shall be defrayed by the owner upon his redeeming the property or from the

proceeds of the sale in the event of it's being sold.

(g) It shall be lawful for the Sale Officer to force open any stable, cow house, granary, godown, out house or other building and he may also enter any dwelling house, the outer door of which may be opened and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a defaulter and lodged therein, provided always that it shall not be lawful for the Sale Officer to break open or enter apartment in such dwelling house appropriated for the zenana or residence of women except as hereinafter provided.

(h) Where the Sale Officer may have reason to believe that the property of defaulter is lodged within a dwelling house the outer door of which may be shut or within any apartments appropriated to women which by custom or usage are considered private, the Sale Officer shall report the fact to the officer-in-charge of the nearest police station. On such report, the officer-in-charge of the said police station shall send a police officer to the spot in the presence of whom the Sale Officer may force open the outer door of such dwelling house or break open the door of any room within the house except the room appropriated to women. The Sale Officer may also, in the presence of a police officer, after the notice given for the removal of women within a zenana, and after furnishing means for their removal in a suitable manner if they be women of rank, who, according to the customs or usage cannot appear in public, enter the zenana apartment for the purpose of distraining the defaulter's property, if any, deposited therein but such property, if found, shall be immediately removed from such apartments after which they shall be left free to the former occupants.

(i) The Sale Officer on the day previous to and on the day of sale cause proclamation of time and place of the intended sale to be made by beat of drum in the village in which

the defaulter resides and in such other place or places as the Sale Officer may consider necessary to give due publicity to the sale. No sale shall take place until after the expiration of the period of fifteen days from the date on which the sale notice has been served or affixed in the manner laid down in clause (a) of this sub-rule:

Provided that where the property seized is subject to speedy and natural decay, or where the expenses of keeping it in custody is likely to exceed its value, the Sale Officer may sell it, at any time, before the expiry of the said period of fifteen days, unless the amount due is sooner paid.

(j) At the appointed time, the property shall be put in one or more lots, as the Sale Officer may consider advisable and shall be disposed of to the highest bidder:

Provided that it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other adequate reasons:

Provided further that, the Sale Officer may, in his discretion, adjourn the sale to a specified day and hour recording his reasons for such adjournment. Where the sale is so adjourned for a longer period than seven days, a fresh proclamation under clause (i) shall be made unless the defaulter consents to waive it.

(k) The property sold shall be paid for in cash at the time of sale, or as soon thereafter as the Sale Officer shall appoint, and the purchaser shall not be permitted to carry away any part of the property until he has paid for it in full. Where the purchaser fails in the payment of purchase money, the property shall be resold.

(l) Where the proceeds from the sale of the property exceeds the amount due from the debtor, the excess amount, after deducting the interest and the expenses of process and other charges, shall be paid to the defaulter.

(m) Where prior to the day fixed for sale, the defaulter or any person acting on his behalf or any person claiming an interest in the property attached, pays the full amount due including interest, batta and other costs incurred in attaching the property, the Sale Officer shall cancel the order of attachment and release the property forthwith.

(n) The movable properties exempted from attachment by the proviso to section 60 of the Code of Civil Procedure, 1908 (5 of 1908) shall not be liable to attachment or sale under these rules.

(6) Where the movable property to be attached is the salary or allowances or wages of a public officer or a railway servant or a servant of a local authority or a firm or a company, the Registrar or Officer mentioned in section 91D may, on receiving a report from the Sale Officer, order that the amount shall subject to the provisions of section 60 of the Code of Civil Procedure, 1908 (5 of 1908), be withheld from such salary or allowances or wages either in one payment or by monthly installments as the Registrar or such Officer may direct and upon the receipt of the order, the Officer or the other person whose duty is to disburse such salary or allowance or wages shall withhold and remit to the Sale Officer, the amount due under the order or the monthly installment, as the case may be.

(7) (i) Where the property to be attached consists of the share or interest of the defaulter in movable property belonging to him and another as co-owners, the attachment shall be made by a notice to the defaulter, prohibiting him from transferring the share or interest or charging it in any way.

(ii) Where the property to be attached is a negotiable instrument not deposited in Court, nor in the custody of a public officer, the attachment shall be made by actual seizure and the instrument shall be brought to the office of the Officer ordering the attachment and be held subject to his further orders.

(iii) Where the property to be attached is in the custody of any Court or Public Officer, the attachment may be made by a notice to such Court or Officer, requesting that such property and any interest or dividend becoming payable thereon may be held subject to the further demands of the Officer issuing the notice:

Provided that, where such property is in the custody of a Court or Recovery Officer of another district, any question of title or priority arising between the applicant and any other person not being the defaulter claiming to be interested in such property by virtue of any assignment, attachment or otherwise shall be left to be determined by such Court or Recovery Officer, as the case may be.

(8) (i) Where the property to be attached is a decree either for the payment of money or for sale in enforcement of a mortgage or charge, the attachment shall be made, if the decree sought to be attached was passed by the Registrar or by a nominee or Board of Nominees to whom a dispute was referred by the Registrar under section 86, then by the order of the Registrar.

(ii) Where the Registrar makes an order under clause (i), he shall, on the application of the applicant who has attached the decree, proceed to execute the attached decree and apply the net proceeds in satisfaction of the decree sought to be executed.

(iii) The holder of a decree sought to be executed by the attachment of another decree of the nature specified in clause (i), shall be deemed to be the representative of the holder of the attached decree and to be entitled to execute such attached decree in any manner for the holder thereof.

(iv) Where the property to be attached in execution of a decree is a decree other than a decree of the nature referred to in clause (i), the attachment shall be made by the issue of a notice by the Registrar or Officer mentioned in section 91D, to the holder of

such decree, prohibiting him from transferring or charging the same in any way.

(v) The holder of a decree attached under this sub-rule shall give the Officer executing the decree such information and aid as may reasonably be required.

(vi) On the application of the holder of a decree sought to be executed by the attachment of another decree, the Officer making an order of attachment under this sub-rule shall give notice of such order to the judgment debtor bound by the decree attached; and no payment or adjustment of the attached decree made by the judgment debtor in contravention in such order after receipt of notice thereof, either through the Recovery Officer or otherwise, shall be recognized so long as the attachment remains in force.

(9) Where the movable property to be attached is,—

(a) a debt due to the defaulter in question,

(b) a share in the capital of a corporation or a deposit invested therein, or

(c) other movable property not in the possession of the defaulter, except property deposited in, or in the custody of, any Civil Court, the attachment shall be made by a written order signed by the Registrar or the Officer mentioned in section 91D of the Act, prohibiting,—

(i) in the case of a debt, the creditor from recovering the debt and the debtor from making payment thereof;

(ii) in the case of a share or a deposit, the person in whose name the share or the deposit may be standing, from transferring the share or deposit or receiving any dividend or interest thereon; and

(iii) in the case of any other movable property, the person in possession of it from giving it over to the defaulter.

A copy of such order shall be sent in the case of the debt to the debtor, in the case of the share or deposit, to the proper officer of the corporation and in the case of any other movable property to the person in possession of such property. As soon as the debt referred to in clause (a) or the deposit referred to in clause (b) matures, the Registrar or Officer mentioned in section 91D of the Act, may direct the person concerned to pay the amount to him. Where the share is not withdrawable, the Registrar or the said Officer shall arrange for its sale through a broker. Where the share is withdrawable, its value shall be paid to the Registrar or to the said Officer or to the Party referred to in clause (c). The person concerned shall place it in the hands of the Registrar or said Officer as it becomes deliverable to the debtor.

(10) Immovable property shall not be sold in execution of a decree unless such property has been previously attached:

Provided that where the decree has been obtained on the basis of a mortgage of such property, it shall not be necessary to attach it.

(11) In the attachment and sale or sale without attachment of immovable property, the following rules shall be observed:—

(a) The application presented under sub-rule (2) shall contain a description of the immovable property to be proceeded against, sufficient for its identification and in case such property can be identified by boundaries or numbers in a record of settlement of survey, the specification of such boundaries or numbers and the specification of the defaulter's share or interest in such property to the best of the belief of the applicant and so far as he has been able to ascertain it.

(b) The demand notice issued by the Registrar or by the Officer mentioned in section 91D under sub-rule (3) shall contain the name of the defaulter, the amount due, including the expenses, if any, and the batta

to be paid to the person who shall serve the demand notice, the time allowed for payment and in case of non-payment, the particulars of the properties to be attached and sold or to be sold without attachment, as the case may be. After receiving the demand notice, the Sale Officer shall serve or cause to be served a copy of the demand notice upon the defaulter or upon some adult male member of his family at his usual place of residence, or upon his authorized agent or, if such personal service is not possible, shall affix a copy thereof on some conspicuous part of the immovable property about to be attached and sold or sold without attachment, as the case may be:

Provided that, where the Registrar or Officer mentioned in section 91D of the Act is satisfied that defaulter with intent to defeat or delay the execution proceeding against him is about to dispose of the whole or any part of his property, the demand notice issued by the Registrar or said Officer under sub-rule (3) shall not allow any time to the defaulter for payment of the amount due by him and the property of the defaulter shall be attached forthwith.

(c) If the defaulter fails to pay the amount specified in the demand notice within the time allowed, the Sale Officer shall proceed to attach and sell, or sell without attachment, as the case may be, the immovable property mentioned in the application for execution in the following manner.

(d) Where attachment is required before sale, the Sale Officer shall, if possible, cause a notice of attachment to be served on the defaulter personally. Where personal service is not possible, the notice shall be affixed in some conspicuous part of the defaulter's last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode at some place on, or adjacent to, such property and at such other place or places as the Registrar or Officer as mentioned in

section 91D of the Act may consider necessary to give due publicity to the sale. The attachment notice shall set forth that unless the amount due with interest and expenses be paid within the date therein mentioned, the property will be brought to sale. A copy of attachment notice shall be sent to the applicant. Where the Sale Officer so directs, the attachment shall also be notified by public proclamation in the Official Gazette.

(e) Proclamation of sale shall be published by affixing a notice in the office of the Registrar or Officer mentioned in section 91D of the Act and the taluka office at least thirty days before the date fixed for the sale and also by beat of drum in the village (on two consecutive days previous to the date of sale and on the day of sale prior to the commencement of the sale). Such proclamation shall, where attachment is required before sale, be made after the attachment has been effected. Notice shall also be given to the applicant and the defaulter. The proclamation shall state the time and place of sale and specify as fairly and accurately as possible in the following manner:—

- (i) the property to be sold;
- (ii) any encumbrance to which the property is liable;
- (iii) the amount for the recovery of which sale is ordered; and
- (iv) every other matter which the Sale Officer considers material for a purchaser to know in order to judge the nature and value of the property.

(f) (i) When any immovable property is sold under these rules, the sale shall be subject to the prior encumbrances on the property, if any. The applicant shall, when the amount for the realization of which the sale is held exceeds Rs. 100/-, furnish to the Sale Officer within such time as may be fixed by him or by the Registrar or by the Officer mentioned in section 91D of the Act, an

encumbrance certificate from the Registration Department for the period of not less than twelve years prior to the date of attachment of the property sought to be sold, or in cases falling under the proviso to sub-rule (10), prior to the date of the application for execution. The time for production of the encumbrance certificate may be extended at the discretion of the Sale Officer or the Registrar or Officer mentioned in section 91D of the Act, as the case may be, the sale shall be by public auction to the highest bidder:

Provided that it shall be open to the Sale Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other adequate reasons:

Provided further that the Registrar or the Officer mentioned in section 91D of the Act or the Sale Officer may, in his discretion, adjourn the sale to a specified day and hour, recording his reason for such adjournment. Where a sale is so adjourned for the longer period than seven days, a fresh proclamation under clause (e) shall be made, unless the defaulter consents to waive it.

(ii) The sale shall be held after the expiry of not less than thirty days calculated from the date on which notice of the proclamation was affixed in the office of the Registrar or said Officer. The time and place of the sale shall be fixed by the Registrar or said Officer and the place of sale shall be the village where the property to be sold is situated or such adjoining prominent place of public resort as may be fixed by the Registrar or said Officer:

Provided also that in cases where an encumbrance certificate is not obtainable owing to the destruction of the connected records, an affidavit from the village Talathi or corresponding officer in regard to the encumbrances known to him supported by a certificate from the Registration Department that the encumbrance certificate cannot be granted owing to the destruction of the connected records, shall

be accepted in place of an encumbrance certificate.

(g) A sum of money equal to 15 per cent of the price of the immovable property shall be deposited by the purchaser in the hands of the Sale Officer at the time of the purchase, and in default of such deposit, the property shall forthwith be resold:

Provided that where the applicant is the purchaser and is entitled to set off the purchase money under clause (k), the Sale Officer shall dispense with the requirements of this clause.

(h) The remainder of the purchase money and the amount required for the general stamp for the sale certificate shall be paid within fifteen days from the date of sale:

Provided that the time for payment of the cost of the stamp may, for good and sufficient reasons, be extended at the discretion of the Registrar or Officer mentioned in section 91D of the Act, upto thirty days from the date of sale:

Provided further that, in calculating the amounts to be paid under this clause, the purchaser shall have the advantage of any set off to which he may be entitled under clause (k).

(i) In default of payment within the period mentioned in the last preceding clause (h) the deposit may, if the Registrar or such Officer thinks fit, after defraying the expenses of the sale, be forfeited to the Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.

(j) Every resale of immovable property in default of payment of the amounts mentioned in clause (h) within the period allowed for such payment, shall be made after the issue of a fresh proclamation in the manner and for the period hereinbefore specified for the sale.

(k) Where an applicant purchases the property, the purchase money and the amount due on the decree shall be set off

against one another, and the Sale Officer shall enter up satisfaction of the decree in whole or in part accordingly.

(12) Where prior to the date fixed for a sale, the defaulter or any person acting on his behalf or any person claiming an interest in the property sought to be sold, tenders payment of the full amount due together with interest, batta and other expenses incurred in bringing the property to sale including the expenses of attachment if any, the Sale Officer shall forthwith release the property after cancelling, where the property has been attached, the order of attachment.

(13) (i) Where immovable property has been sold by the Sale Officer, any person either owing such property or holding any interest therein by virtue of a title acquired before such sale may apply to have the sale set aside on his depositing with the Registrar or Officer mentioned in section 91D of the Act,—

(a) for payment to the purchaser, sum equal to five percent of purchase money and

(b) for payment to the applicant, the amount of arrears specified in the proclamation of sale as that for the recovery of which the sale was ordered together with interest thereon and the expense of attachment, if any, and sale and other costs due in respect of such amount less, amount which may since the date of such proclamation have been received by the applicant.

(ii) If such deposit and application are made within thirty days from the date of sale, the Registrar or Officer mentioned in section 91D of the Act, shall pass an order setting aside the sale and shall repay to the purchaser, the purchase money so far as it has been deposited, together with the 5 per cent of such purchase money deposited by the applicant:

Provided that, if more persons than one have made deposit and application under this sub-rule, the application of the first depositor to the officer authorized to set aside the sale, shall be accepted.

(iii) If a person applies under sub-rule (14) to set aside the sale of immovable property, he shall not be entitled to make any application under this sub-rule.

(14) (i) At any time within thirty days from the date of the sale of immovable property, the applicant or any person entitled to share in a rateable distribution of the assets or whose interests are affected by the sale, may apply to the Registrar or Officer mentioned in section 91D of the Act, to set aside the sale on the ground of a material irregularity or mistake or fraud in publishing or conducting it:

Provided that no sale shall be set aside on the ground of irregularity or fraud unless the Registrar or such Officer is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistake or fraud.

(ii) If the application be allowed, the Registrar or such Officer shall set aside the sale and may direct a fresh one.

(iii) On the expiration of thirty days from the date of sale, if no application to have the sale set aside is made or if such application has been made and rejected, the Registrar or Officer mentioned in section 91D of the Act, shall make an order confirming the sale:

Provided that, if he shall have reason to believe that the sale ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

(iv) Wherever the sale of any immovable property is not so confirmed or is set aside, the deposit or the purchase money, as the case may be, shall be returned to the purchaser.

(v) After the confirmation of any such sale, the Registrar or Officer mentioned in section 91D of the Act, shall grant a certificate of sale bearing his seal and signature to the purchaser, and such certificate shall state the property sold and the name of the purchaser.

(15) It shall be lawful for the Sale Officer to sell the whole or any portion of the immovable property of a defaulter in discharge of money due:

Provided that, so far as may be practicable, no larger section or portion of immovable property shall be sold than may be sufficient to discharge the amount due with interest and expenses of attachment, if any, and sale.

(16) Persons employed in serving notice or in other process under these rules shall be entitled to batta at such rates as may, from time to time, be fixed by the Recovery Officer/Registrar.

(17) Where the cost and charges incurred in connection with attachment and sale of movable property or the attachment and sale or sale without attachment of immovable property under this rule, exceeds the amount of the cost deposited by the applicant, such excess shall be deducted from the sale proceeds of the property sold or the moneys paid by the defaulter, as the case may be, and the balance shall be made available to the applicant.

(18) Every person making a payment towards any money due for the recovery of which application has been made under this rule shall be entitled to a receipt for the amount signed by the Sale Officer or other officer empowered by the Registrar or by the Officer mentioned in section 91D of the Act, in that behalf, such receipt shall state the name of the person making the payment and the subject matter in respect of which the payment is made.

(19)(a) Where any claim is preferred to, or any objection is made to, the attachment of any property attached under this rule on the ground that such property is not liable to such attachment, the Sale Officer shall investigate the claim or objection and dispose it of on merits:

Provided that no such investigation shall be made when the Sale Officer considers that the claim or objection is frivolous.

(b) Where the property to which the claim or objection relates has been advertised for sale, the Sale Officer may postpone the sale pending the investigation of the claim or objection.

(c) Where a claim or an objection is preferred, the party against whom an order is made may institute a suit to establish the right which he claims to the property in dispute, but, subject to the result of such suit, if any, the order shall be final.

(20) (i) Any deficiency of price which may arise on a re-sale held under clause (I) of sub-rule (II) by reason of the purchaser's default, and all expenses attending such resale shall be certified by the Sale Officer to the Registrar or the Officer mentioned in section 91D of the Act, and shall, at the instance of either the applicant or defaulter, be recoverable from the defaulting purchaser under the provisions of this rule. The costs, if any, incidental to such recovery shall also be borne by the defaulting purchaser.

(ii) Where the property may on the second sale, sell for a higher price than at the first sale, the defaulting purchaser at the first sale, shall have no claim to the difference or increase.

(21) Where any property has been attached in execution of a decree, but by reason of the applicant's default the Registrar or the Officer mentioned in section 91D of the Act, is unable to proceed further with the application for execution, he shall either dismiss the application or for any sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application, the attachment shall cease.

(22) Where assets are held by the Sale Officer and before the receipt of such assets, demand notices in pursuance of application for execution of decree against the same defaulter have been received from more than one applicant and the applicants have not obtained satisfaction, the assets after deducting the costs or realizations, shall be rateably distributed by the Sale Officer among all such

applicants in the manner provided in section 73 of the Code of Civil Procedure, 1908 (5 of 1908), or any other law for the time being in force.

(23) Where a defaulter dies before the decree has been fully satisfied, an application under sub-rule (1) may be made against the legal representative of the deceased and thereupon all the provisions of this rule shall, save as otherwise provided in this sub-rule, apply as if such legal representative were the defaulter. Where the decree is executed against such legal representative, he shall be liable only to the extent of the property of the deceased which has come to his hands and has not been duly disposed of and for the purpose of ascertaining such liability, the Registrar or the Officer mentioned in section 91D of the Act, executing the decree may, of his own motion or on the application of the applicant compel such legal representative to produce such accounts as he thinks fit.

125. *Execution of awards or orders in special cases.*— Subject to the provisions of section 91 of the Act, the Registrar, may, by an order in writing specially authorize any officer of the Co-operative Department or any officer of a federal society or a Central Bank, on an application made by it, to call for and send awards or orders obtained by any society for execution. The society or societies in respect of which these powers are to be exercised shall be specified in the order.

126. *Transfer of property which cannot be sold.*— (1) When in execution of an order sought to be executed under section 91 of the Act, any property cannot be sold for want of buyers, if such property is in the possession of the defaulter or of some person on his behalf or of some person claiming it under a title created by the defaulter subsequent to the issue of the certificate by the Registrar or Liquidator under clause (a) or (b) of the said section, the officer conducting the execution shall as soon as practicable report the fact to the Court or the appropriate authority or the Registrar, as the case may be, and the society applying for the execution of the said order.

(2) On receipt of the report under sub-rule (1), the society may, within six months from the date of the receipt of the report or within such further period as may for sufficient reasons be allowed in any particular case by the Court or the appropriate authority or the Registrar, submit an application in writing to the Court, appropriate authority or the Registrar, as the case may be, stating whether or not it agrees to take over such property.

(3) On receipt of an application under sub-rule (2), notices shall be issued to the defaulter and to all persons known to be interested in the property, including those whose names appear in the Record of Rights as persons holding any interest in the property about the intended transfer.

(4) On receipt of such a notice the defaulter, or any person owing such property, or holding an interest therein by virtue of a title acquired before the date of issue of a certificate under section 91 of the Act, may within one month from the date of the receipt of such notice, deposit with the Court or the appropriate authority or the Registrar, for payment to the society a sum equal to the amount due under the order sought to be executed together with interest thereon and such additional sum for payment of costs and other incidental expenses as may be determined in this behalf by the Court or the appropriate authority or the Registrar, as the case may be.

(5) On failure of the defaulter, or any person interested or any person holding any interest in the property, to deposit the amount under sub-rule (4), the Court or the appropriate authority or the Registrar, as the case may be, shall direct the property to be transferred to the society on the conditions stated in the certificate issued in Form "P".

(6) The certificate granted under sub-rule (5) shall state whether the property is transferred to the society in full or partial satisfaction of the amount due to it from the defaulter.

(7) If the property is transferred to the society in partial satisfaction of the amount due

to it from the defaulter, the Court or the appropriate authority or the Registrar, as the case may be, shall, on the production by the society of a certificate signed by the Registrar, recover the balance due to the society in the manner laid down in section 91.

(8) The transfer of the property under sub-rule (5) shall be effected as follows:—

(i) in the case of movable property,—

(a) Where the property is in possession of the defaulter himself or has been taken possession of on behalf of the Court or the appropriate authority or the Registrar, it shall be delivered to the society;

(b) Where the property is in possession of some person on behalf of the defaulter, the delivery thereof shall be made by giving notice to the person in possession directing him to give actual peaceful possession of the property to any other person;

(c) The property shall be delivered to a person authorised by the society to take possession on behalf of the society.

(ii) in the case of immovable property,—

(a) Where the property is growing or standing crop, it may be delivered to the society before it is cut and gathered and the society shall be entitled to enter on the land and to do all that is necessary for the purpose of tending and cutting and gathering it.

(b) Where the property is in the possession of the defaulter or of some person on his behalf or some person claiming under a title created by a defaulter subsequent to the issue of a certificate under section 91 of the Act, the Court or the appropriate authority or the Registrar, as the case may be, shall order delivery to be made by putting the society or any person whom the society may appoint to receive delivery on its behalf in actual possession of the property and if need be by removing any person who illegally refuses to vacate the same.

(c) Where the property is in the possession of a tenant or other person entitled to hold the same by a title acquired before the date of issue of a certificate under section 91 of the Act, the Court or the appropriate authority or the Registrar, as the case may be, shall order delivery to be made by affixing a copy of the certificate of transfer of the property to the society in some conspicuous place on the property and proclaiming to such person by beat of drum or other customary mode at some convenient place, that the interest of the defaulter has been transferred to the society.

(9) The society shall be required to pay expenses incidental to sale including the cost of maintenance of live-stock, if any, according to such scale as may be fixed by the Registrar from time to time.

(10) Where land is transferred to the society under sub-clause (a) of clause (ii) of sub-rule (8) before a growing or standing crop is cut and gathered, the society shall be liable to pay the current year's land revenue on the land.

(11) The society shall forthwith report any transfer of property under sub-clause (b) or (c) of clause (ii) of sub-rule (8) to the authority to be specified by the Registrar for information and entry in the Record of Rights.

(12) The society to which property is transferred under sub-rule (5), shall maintain for each such defaulter a separate account showing all the expenses incurred including payment to outside encumbrances, land revenue and other dues on the property and all the income derived from it.

(13) The society to which property is transferred under sub-rule (5), shall use it's best endeavour to sell the property as soon as practicable to the best advantages of the society as well as that of the defaulter, the first option being always given to the defaulter who originally owned the property.

(14) The sale under sub-rule (13), shall be subject to confirmation by the Registrar. The proceeds of the sale shall be applied to defraying the expenses of the sale and other expenses incurred by the society and referred to in sub-rules (9) and (12) and to

the payment of the arrears due by the defaulter under the order in execution, and the surplus (if any), shall then be paid to the defaulter.

(15) Until the property is sold, the society to which the property is transferred under sub-rule (5) shall use it's best endeavours to lease it or to make any other use that can be made of it so as to derive the largest possible income from the property.

(16) When the society to which property is transferred under sub-rule (5) has realized all its dues, under the order in execution of which the property was transferred, from the proceeds of management of the property, the property, if unsold, shall be restored to the defaulter.

126A. *Payment of expenses of decision of dispute.*— (1) Where the dispute has been referred to the Registrar or his nominee or the Board of Nominees under section 86 of the Act, the Registrar may require the party or parties to the dispute to deposit such sum as may in his opinion be necessary to meet the expenses including payment of fees to the Registrar or his nominee or the Board of Nominees.

(2) The Registrar or his nominee or the Board of Nominees shall have the power to order, the fees and expenses of determining the disputes, to be paid by the society out of it's funds or by such party or parties to the dispute, as he or it may think fit, according to the scale laid down by the Registrar, after taking into account the amount deposited under sub-rule (1).

(3) The Registrar may by general or special order specify the scale of fees and expenses to be paid to him or to his nominee or the Board of Nominees."

7. *Amendment of Forms.*— In the principal rules,—

(i) In Form "N", for the expression "BEFORE THE CO-OPERATIVE AUTHORITY (place)", the expression "BEFORE THE REGISTRAR" shall be substituted.

(ii) for Form "O", the following Form shall be inserted, namely:—

FORM "O"

[See rule 123 (2)]

Application for execution of award/order

BEFORE THE REGISTRAR OF CO-OPERATIVE SOCIETIES (place)

I/We, award/order holder, hereby apply for execution of the award/order hereinbelow set forth:

- (1) Number of the case:
- (2) Names of the parties: Disputant
- (3) Names of the parties: Opponent
- (4) Date of the award/order:
- (5) Whether any appeal has been preferred from the award/order:
- (6) Whether any, and (if any), what payment or other adjustment of the matter in controversy has been made between the parties subsequent to the award/order:
- (7) Whether any, and (if any), what previous applications have been made for the execution of the award/order, the dates of such applications and their results:
- (8) The amount with interest (if any) due upon the award/order, or other relief granted thereby, whether passed before or after the date of the award/order sought to be executed:
- (9) The amount of the costs (if any) awarded:
- (10) The name of the person against whom execution of the award/order is sought, and
- (11) The mode in which the assistance of the Co-operative Authority is required, whether—
 - (a) by the delivery of any property specifically decreed;
 - (b) by the attachment, or by the attachment and sale, or by the sale without attachment, of any property;
 - (c) by the appointment of a receiver;
 - (d) otherwise as the nature of the relief granted may require.

Examples:—

(1) When attachment and sale of movable property is sought —

I/We, pray that the total amount of Rs. (together with interest on the principal sum upto date of payment) and the costs of taking out this execution, be realised by attachment and sale of the opponent's movable property as per annexed list and paid to me/us.

(2) When attachment and sale of immovable property is sought —

I/We, pray that the total amount of Rs. (together with interest on the principal sum upto date of payment) and the costs of taking out this execution, be realised by the attachment and sale of the opponent's immovable property specified at the foot of this application and paid to me/us.

(3) In case of other reliefs granted in the award/order, as per nature of the relief granted.

I/We (through the office bearer), declare that what is stated herein is true to the best of my/our knowledge and belief.

Place:

Date :

Signed award/decreed holder

(iii) in Form "P",— (a) for the figures "125(5)" and "125", the figures "126" shall be substituted;

(b) for the words "Co-operative Authority"—, wherever they occur, the word "Registrar" shall be substituted.

By order and in the name of the Governor of Goa.

P. K. Patidar, Registrar of Co-op. Societies & ex officio Joint Secretary.

Panaji, 26th October, 2009.

Department of Information & Publicity

Addendum

DI/INF/Sch-Song-Drama/08/4228

The Notification No. DI/Inf/Sch-Song-Drama/08 dated 18-9-2008 published in Official Gazette, Series I No. 27 dated 3rd October, 2008 is partially modified as under:—

In clause 3(1) insert (Audio CD/Cassettes after the words “Workshops”.

By order and in the name of the Governor of Goa.

Menino Peres, Director of Information & Publicity & ex officio Joint Secretary.

Panaji, 23rd October, 2009.

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 Department of Labour
Notification

24/18/2009-LAB

The following draft rules which are proposed to be made so as to further amend the Goa Labour Welfare Fund Rules, 1990, are hereby pre-published as required by sub-section (1) of section 37 of the Goa, Daman & Diu Labour Welfare Fund Act, 1986 (Act 4 of 1987), for information of the persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the Government on the expiry of a period of fifteen days from the date of publication of this Notification in the Official Gazette.

All objections and/or suggestions to the said draft rules may be forwarded to the Secretary to the Government of Goa, Department of Labour, Secretariat, Porvorim, before the

expiry of the said period of fifteen days from the date of publication of this Notification in the Official Gazette so that they may be taken into consideration at the time of finalization of the proposed draft rules.

DRAFT RULES

In exercise of the powers conferred by section 37 of the Goa, Daman & Diu Labour Welfare Fund Act, 1986 (Act 4 of 1987), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa Labour Welfare Fund Rules, 1990, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Labour Welfare Fund (Amendment) Rules, 2009.

(2) They shall come into force at once.

2. *Amendment of rule 24.*— In rule 24 of the Goa Labour Welfare Fund Rules, 1990, in sub-rule (2), in clause (a), for the expression “as per recommendation of the Fifth Pay Commission made applicable to the employees of the Government”, the expression “based on recommendations of Pay Commission as adopted and made applicable by the Government to its employees from time to time shall be substituted.”

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Porvorim, 27th October, 2009.

Department of Personnel

Notification

1/4/83-PER (Pt. II)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Group 'C', Non-Ministerial, Non-Gazetted post, in the Water Resources Department, Government of Goa, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Government of Goa, Water Resources Department, Group 'C', Non-Ministerial, Non-Gazetted post, Recruitment Rules, 2009.

(2) They shall apply to the post specified in column (1) of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. *Number, classification and scale of pay.*— The number of posts, classification of the said post and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the said Schedule:

Provided that the Government may vary the number of posts specified in column (2) of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said post, age limit,

qualifications and other matters connected therewith shall be as specified in columns (5) to (13) of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where, the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

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Yetindra M. Maralkar, Joint Secretary (Personnel).

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Porvorim, 14th October, 2009.

SCHEDULE

1	2	3	4	5	6	7	8	9	10	11	12	13
Name/ Designation of post	Number of posts	Classifi- cation	Scale of pay	Whether selec- tion post or non- selec- tion post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of proba- tion, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/ transfer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/ deputation/ transfer, grades from which promotion/ deputation/ transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which the Goa Public Service Commission is to be consulted in making recruitment.
Foreman (Agri- culture).	6 (2009) (Subject to varia- tion depen- dent on work- load).	Group 'C', Non- Mini- sterial, Non- Gaze- ted.	Rs. 4000- 100- 6000	Selec- tion.	Not exceed- ing 40 years (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Government).	No. 6(a)	Essential: (1) Bachelor of Science (Agriculture) from a recognized University. (2) Three years experience in the field of Agriculture work. (3) Knowledge of Konkani. Desirable: Knowledge of Marathi.	2 years.	By direct recruitment.	N. A.	Group 'C' DSC/ /DPC.	N. A.

Notification

1/3/84-PER (Pt. IV)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, read with section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897), the Governor of Goa hereby makes the following rules so as to amend the Government of Goa, Government Printing Press, Group 'C', Non-Ministerial, Non-Gazetted posts, Recruitment Rules, 1992, published in the Official Gazette, Series I No. 49 dated 5-3-1992, vide Notification No. 1/8/84-PER dated 20-2-1992, as follows, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Government of Goa, Department of Printing and Stationery, Group 'C', Non-Ministerial, Non-Gazetted posts, Recruitment (Amendment) Rules, 2009.

(2) They shall be deemed to have come into force with effect from 5th December, 2008.

2. *Amendment of Schedule.*— In the Schedule appended to the Government of Goa, Government Printing Press, Group 'C', Non-Ministerial, Non-Gazetted posts, Recruitment Rules, 1992, for the post of "Helio Operator-cum-Cameraman" and the entries thereof the following shall be substituted, namely:—

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Joint Secretary (Personnel).

Porvorim, 28th October, 2009.

Offset Plate Maker	1 (2008) (Subject to variation dependent on workload).	Group 'C', Non-Ministerial, Non-Gazetted.	PB-1 Rs. 5200-20200 + Grade Pay Rs. 2400/-.	Selection.	Not exceeding 40 years (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Government).	N. A.	Essential:	(1) S.S.C.E. (2) Diploma in Printing Technology OR 3 years experience in any Offset Press Plate Making unit. (3) Knowledge of Konkani.	Age: No. 2 years. Educational Qualifications: N.A.	By promotion, failing which, by direct recruitment.	Promotion: Assistant Offset Plate Maker/Graining Machine Operator, with 3 years regular service in the grade.	Group 'C' DPC/ /DSC.	N. A.

Department of Public Health

Order

4/16/2001-III/PHD (Part-II)

Sanction of the Government is hereby accorded for revival of one post of Clinical Psychologist in the Institute of Psychiatry and Human Behaviour with immediate effect.

The expenditure towards the pay and allowances is debited to the Budget Head-2210—Medical and Public Health, 01—Urban Health Services, Allopathy, 110—Hospital & Dispensaries, 01—IPHB (Non-Plan), 01—Salaries.

This issues with the recommendation of Administrative Reforms Department vide their U. O. No. 586 dated 7-7-2009 and concurrence of Finance (Rev. & Cont.) Department vide their U.O.No. Fin (R&C)/4539 dated 17-8-2009.

By order and in the name of the Governor of Goa.

Derrick P. Neto, Under Secretary (Health).

Porvorim, 21st October, 2009.

Order

13/40/91-II/PHD

Sanction of the Government is hereby accorded for revision of diet rates of patients in the hospitals as shown below:—

Sr. No.	Hospitals concerned	Preset rate (Rs.)	Revised rate (Rs.)	Special diet present rate (Rs.)	Special diet revised rate (Rs.)
1.	Goa Medical College, T. B. Hospital and Nursing Home (Private wards)	22/-	50/-	60/-	65/-

The revised rates shall be applicable from 1-9-2009.

This issues with concurrence of Finance (Exp.) Department vide their U. O. No. 5253 dated 29-9-2009.

By order and in the name of the Governor of Goa.

Derrick P. Neto, Under Secretary (Health-I).

Porvorim, 20th October, 2009.

Department of Social Welfare

Directorate of Social Welfare

Order

13-178/96-ADMN/Part 4555

Approval of the Government is hereby conveyed to redesignate/change of nomenclature of the following Group “B” Gazetted posts in the pay scale PB-2 Corresponding to Rs. 9,300-34,800 Grade Pay Rs. 4,200/- borne on the establishment of Directorate of Social Welfare, Panaji with immediate effect.

Sr. No.	Existing designation of the post	Redesignation/ /Change in nomenclature of the post
1.	Social Welfare Officer	Assistant Director (Social Defense)

By order and in the name of the Governor of Goa.

N. B. Narvekar, Director of Social Welfare & ex officio Joint Secretary (Social Welfare).

Panaji, 28th October, 2009.

Notification

82-8-07-08-SDB

Amendment of "Scheme to provide financial assistance to the Vegetable & Flower Vendors".

Whereas vide Notification No. 82-8-07-08-SDB dated 28th February, 2008 published in the Official Gazette, Series I No. 48 dated 28th February, 2008 (Extraordinary), the Government of Goa framed the scheme, viz. Scheme to provide financial assistance to the Vegetable & Flower Vendors (hereinafter called as the "said scheme").

And whereas the Government has decided to amend the said Scheme.

Now, therefore, the Government of Goa hereby amend the said scheme as follows, namely:—

1. The Scheme shall be called "Scheme to provide financial assistance to Vegetable vendor, Flower vendor, Coconut vendor, Motor Cycle (Taxi) Owner and Rickshaws (Taxi) Owner" and after activities "or repairs of the vehicle/purchase of tyre and tubes as the case may be".

2. In the said scheme the words "and Coconut vendor, Motor Cycle (Taxi) Owner and Rickshaw (Taxi) Owner" shall appear after the words "Flower vendor".

3. *Amendment of the clause "Financial assistance".*— In the said scheme in under the clause "Financial assistance" the words and figures "two equal installments i.e. of Rs. 2,500/- each" shall be substituted as "one installment of Rs. 5,000/-. The words "second installment shall be released on submission of the utilization certificate of the first installment released" shall be omitted.

4. *Amendment of the clause "Eligibility".*— In the said scheme under the "Eligibility" in sub-clause (2) the figures "25,000/-" shall be substituted as "1,50,000/-". In sub-clause (3) the word "Coconut vendor, Motor Cycle (Taxi) Owner and Rickshaw (Taxi) Owner" shall be added after the word "Flower".

Clause (5) may be added as.— (a) Motor Cycle (Taxi) Owner and Rickshaw (Taxi) Owner should have vehicle registered on his name,

(b) He should be above age of 40 years having valid driving license, badge and permit issued by R.T.O.,

(c) The Vehicle used for economic activities should be at least 5 years old,

(d) Application for financial assistance shall be submitted to the concerned Block Development Officer in prescribed format (Annexure-II).

5. *Amendment of the clause "other terms and condition".*— In the said scheme in sub-clause (2) of "other terms and condition" the words "for recommendation of release of second installment" shall be omitted.

6. *Amendment of "Form of Application".*— In the Form of Application under the heading "Documents to be attached" in item No. (i), the words "or Certificate from local body certifying business activity for last two years" shall be added. After item No. (vi) following shall be added:

For Motor Cycle (Taxi) Owner and Rickshaws (Taxi) Owner"

- (vii) Attested xerox copy of the Ration Card.
- (viii) Attested xerox copy of the Election Photo Identity Card.
- (ix) Residence Certificate.
- (x) Income Certificate.
- (xi) Approximately estimate of repairs to be undertaken/replacement of tyre tube.
- (xii) Ownership documents of Motor Cycle/Rickshaws.
- (xi) Driving License and Batch.

This Notification shall come into force with effect from the date of publication in the Official Gazette.

By order and in the name of the Governor of Goa.

N. B. Narvekar, Director of Social Welfare & ex officio Joint Secretary (Social Welfare).

Panaji, 28th October, 2009.

ANNEXURE-II

FORM OF APPLICATION

(for grant of Financial Assistance to Motorcycle Taxi/Rickshaw Taxi Owner)

To
The Block Development Officer,

Sir,

I hereby apply for the grant of Financial Assistance up Maintenance/Repairs of my existing Motorcycle Taxi/Rickshaw Taxi which is used for my self employment activities and submit my particulars as under:

1. Name in Full:—

2. Residential Address:—

H. No. Ward..... Village/Town..... Constituency..... Taluka.....

3. Date of Birth/Age:—

4. Whether belongs to SC/ST/OBC/Minority/General:—

5. Ration Card No.:—

6. Details of Family Members as per Ration Card:—

S. No.	Name	Age	Relation	Occupation	Income p. m.
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					

7. Total Family Income from all sources for the year..... is Rs.....

8. Details of Driving License

(a) Driving License No.:—

(b) Issuing Authority:—

(c) Date of issue of License:—

9. Vehicle No.:—

10. Badge No.:—

11. Stand allotted by Competent Authority:—

12. Are you member of any Motorcycle Taxi/Rickshaw Taxi Association. If so, give details—

(a) Name of the Association:-

(b) Address of the Association:-

(c) Membership Registration No.:-

13. Whether any loan obtained from the Bank/Financial Institution. If yes, please specify:

(a) Name and address of the Bank/Financial Institution:-

(b) Amount of Loan obtained:-

(c) Amount repaid:-

(d) Year in which loan obtained:-

Documents to be attached:—

- (1) Attested copy of Ration Card Copy.
- (2) Attested copy of Driving License.
- (3) Attested copy of Badge.
- (4) Attested copy of Permit and Fitness Certificate.
- (5) Attested copy of Insurance Document.
- (6) Attested copy of EPIC.
- (7) Residence Certificate.
- (8) Income Certificate.
- (9) Estimate of repairs to be undertaken.
- 10) Affidavit stating that similar benefit is not availed from any Government/Authorities.

I hereby declare that I am Owner of the above mentioned vehicle and the statement made in the application are true to the best of my knowledge and belief and no material/information has been concealed or withhold and no material of facts made.

Date:

Signature or Thumb Impression of the Applicant

Place:

PART- II

VERIFICATION

(To be signed by the Motorcycle Taxi/Rickshaw Taxi Association)

I, Shri hereby certify that Shri having Badge No. is registered with (Name of Association) and the particulars/ information given by applicant Shri..... are correct.

Signature of President/Secretary of the Association

Name:-

Designation:-

Address:-

Telephone:-

Affix the Seal

Date:-

Place:-

PART - III

FOR THE USE OF THE BLOCK DEVELOPMENT OFFICER

I, hereby certify to the best of my knowledge and belief that the information given by the applicant in his/ her application is verified by me with the assistance of available staff and is true to the best of my knowledge. The case of Shri/Smt. is recommended for sanction of Financial Assistance.

Name of the BDO.

Signature

Office Seal

Department of Printing & Stationery

Government Printing Press

Notification

5/14/2000-GPS/Part

Government is pleased to revise the rates for publication of matter in the Official Gazette with immediate effect:

No. of Letters	No. of Lines	Cost of publication for the first time (Rate in Rs.)
46	1	48.00
92	2	96.00
138	3	144.00
184	4	192.00
230	5	240.00
276	6	288.00
302	7	336.00
368	8	384.00
414	9	432.00
460	10	480.00
505	11	528.00
552	12	576.00
598	13	624.00
644	14	672.00
690	15	720.00
736	16	768.00
780	17	816.00
828	18	864.00
874	19	912.00
920	20	960.00
968	21	1008.00
1012	22	1056.00
1058	23	1104.00
1104	24	1152.00

No. of Letters	No. of Lines	Cost of publication for the first time (Rate in Rs.)
1150	25	1200.00
1190	26	1248.00
1240	27	1296.00
1280	28	1344.00
1334	29	1392.00
1380	30	1440.00
1426	31	1488.00
1472	32	1536.00
1518	33	1584.00
1564	34	1632.00
1600	35	1680.00
1656	36	1728.00
1702	37	1776.00
1748	38	1824.00
1794	39	1872.00
1840	40	1920.00
1886	41	1968.00
1932	42	2016.00
1978	43	2064.00
2024	44	2112.00
2070	45	2160.00
2116	46	2208.00
2160	47	2256.00
2206	48	2304.00
2254	49	2352.00
2300	50	2400.00

By order and in the name of the Governor of Goa.

N. D. Agrawal, Director & ex officio Joint Secretary (Printing & Stationery).

Panaji, 4th November, 2009.

www.goagovt.nic.in/gazette.htm

Published and Printed by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa, 403 001.

PRICE – Rs. 27.00